IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: **FOWLER, BRIAN**	Art Unit: **2614**
	Examiner: **Addy, Thjuan Knowlin**
Serial No. **10/766,129**	
	Confirmation No: **2109**
Filed: **January 28, 2004**	
For: **Internet Telephony Communications Adapter for Web Browsers**	

CORRECTED APPELLANT'S BRIEF

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I.   REAL PARTY IN INTEREST.

The real party in interest is Managed Inventions, LLC, by assignment dated 08/31/2007 and recorded at Reel/Frame No. 019781/0154.

II.   RELATED APPEALS AND INTERFERENCES.

None

III.   STATUS OF CLAIMS

No claims have been allowed, withdrawn or cancelled. Claims 1-15 are have been finally rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,177,415 to *Kim et al.* (hereinafter "Kim"). The rejection of claims 1-15 is hereby appealed.

IV.   STATUS OF AMENDMENTS.

Claims 1-15 as presently entered were amended on November 21, 2007 in response to the first Office Action of September 25, 2007. A final Office Action was issued by the Examiner on February 6, 2008. On June 2, 2008, an in-person interview was conducted between the Examiner and attorney of record Ury Fischer. Prior to the interview, Mr. Fischer provided the Examiner with proposed claim amendments (hereinafter "Proposed Amended Claims") to be considered during the interview.

During the interview[1] the Examiner considered the Proposed Amended Claims and advised Mr. Fischer that: (a) the Examiner would have to consult her supervisor Patent Examiner to determine whether the rejection to claims 1-8 had been overcome by Appellant through the Proposed Amended Claims; and (b) the rejection to claims 9-15 had been overcome by Appellant through the Proposed Amended Claims.

On June 4, 2008, the Examiner contacted Mr. Fischer by e-mail and advised that the indication of allowability of claims 9-15 made during the interview was being reversed and that all claims in the application would stand rejected. Subsequently, on July 8, 2008, Appellant filed an After Final response pursuant to 37 C.F.R. §1.116 in which the content of the interview and the Proposed Amended Claims were made of record. On August 21, 2008, the Examiner issued an Advisory Action refusing to enter the Proposed Amended Claims because the Examiner concluded that they raise new issues that would require further consideration and/or search and that they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

It is unclear to Appellant why the Examiner refused to enter the Proposed Amended Claims which she had previously considered without objection during the June 2, 2008 interview. Appellant respectfully urges the Board to review the

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[1] A detailed record of the interview was filed by Appellant in an After Final Response and Amendment dated July 8, 2008. The detailed record of the interview was not refuted, supplemented or otherwise challenged by the Examiner.

Proposed Amended Claims (made of record on July 8, 2008) as they do not raise new issues and they do in fact place the application in better form for appeal by materially reducing and simplifying the issues for appeal.

V.   SUMMARY OF CLAIMED SUBJECT MATTER

A.   Independent Claim 1

The text of Claim 1 is repeated below in bold font and each portion is followed by a concise explanation in italic font identifying the source of the subject matter, including reference to the specification by page and line number.

A method for identifying a telephone number to a computer system for processing a telephone call over the Internet to a user assigned to said telephone number comprising:

"As further explained below in detail, when a name or proxy was entered into the address bar, the adapter would access the E.164 server and translate the name into a telephone number, which would then be dialed in accordance with the "dialto" protocol…" Specification, page 8, lines 4-6.

"The system thereby enables users to place and receive calls directly from a standard Web browser on their computers in the same simplified manner that users currently navigate the Internet through Web pages." Specification, page 7, lines 10-12.

receiving data entered into said computer system by a caller through a web browser;

"…when a name or proxy was entered into the address bar…" Specification, page 8, lines 4-5.

searching said data for said telephone number or a proxy representing said telephone number;

"In either case, if a telephone URL is entered into the child window or the address bar, the plug-in adapter will consult with the public E.164 name server for resolution and translation." Specification, page 10, lines 4-6.

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processing said telephone call through a packet switched data network to said telephone number if said telephone number is found in said data; and

"The telephone URL scheme is ultimately used to direct the user's VoIP agent to place a call using the telephone network." Specification, page 11, lines 20-21.

accessing a name server to translate said proxy into said telephone number for return to said computer system for processing said telephone call if said telephone number is not found in said data.

"...the adapter would access the E.164 server and translate the name into a telephone number..." Specification, page 8, lines 5-6.

"The telephone URL scheme is ultimately used to direct the user's VoIP agent to place a call using the telephone network." Specification, page 11, lines 20-21.

B.   Dependent Claim 2

The text of Claim 2 is repeated below in bold font and each portion is followed by a concise explanation in italic font identifying the source of the subject matter, including reference to the specification by page and line number.

The method recited in claim 1, wherein the web browser translates the proxy in accordance with an established protocol.

"...when a name or proxy was entered into the address bar, the adapter would access the E.164 server and translate the name into a telephone number, which would then be dialed in accordance with the "dialto" protocol..." Specification, page 8, lines 4-6.

C. Dependent Claim 3

The text of Claim 3 is repeated below in bold font and each portion is followed by a concise explanation in italic font identifying the source of the subject matter, including reference to the specification by page and line number.

The method recited in claim 2, wherein the protocol is the dialto protocol.

"...when a name or proxy was entered into the address bar, the adapter would access the E.164 server and translate the name into a telephone number, which would then be dialed in accordance with the "dialto" protocol..." Specification, page 8, lines 4-6.

D. Dependent Claim 4

The text of Claim 4 is repeated below in bold font and each portion is followed by a concise explanation in italic font identifying the source of the subject matter, including reference to the specification by page and line number.

The method recited in claim 1, wherein the web browser creates search hook objects from said data entered into the computer system to translate said data when the web browser is unable to identify the established protocol.

"If the browser was still unable to identify the protocol, it would create search hook objects from the URI and proceed to search for those objects in the traditional fashion." Specification, page 10, lines 12-14.

E. Dependent Claim 5

The text of Claim 5 is repeated below in bold font and each portion is followed by a concise explanation in italic font

identifying the source of the subject matter, including reference to the specification by page and line number.

The method recited in claim 4, wherein data that cannot be translated using search hook objects is transferred back to the web browser.

"If the URI cannot be translated in the E.164 server, it is passed back to the browser for traditional processing. Specification, page 10, lines 19-20.

F.   Dependent Claim 6

The text of Claim 6 is repeated below in bold font and each portion is followed by a concise explanation in italic font identifying the source of the subject matter, including reference to the specification by page and line number.

The method recited in claim 1, wherein said name server can store a proxy for a telephone number.

"Once an account on the E.164 name server is established, the user can create names (like a proxy or token) corresponding to telephone numbers (a "telephone URL") for any telephone number in the world, and store those names on the server for subsequent access. Specification, page 7, lines 19-22.

G.   Dependent Claim 7

The text of Claim 7 is repeated below in bold font and each portion is followed by a concise explanation in italic font identifying the source of the subject matter, including reference to the specification by page and line number.

The method recited in claim 6, wherein the web browser provides a sub-window within the main web browser window on the computer system wherein a proxy for a

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telephone number can be created and stored for later access.

"Users could also create telephone URLs via a vertical child or sub-window provided by the adapter within the main browser window, rather than in the browser's address bar. The child window could also be used to display names and corresponding telephone numbers for telephone URLs and would readily enable a virtual E.164 name server, although such a server could also be implemented within the browser address bar." Specification, page 9, lines 17-21.

H.   Dependent Claim 8

The text of Claim 8 is repeated below in bold font and each portion is followed by a concise explanation in italic font identifying the source of the subject matter, including reference to the specification by page and line number.

The method recited in claim 7, wherein the proxy consists of a name, letters, numbers or symbols.

"Once an account on the E.164 name server is established, the user can create names (like a proxy or token) corresponding to telephone numbers (a "telephone URL") for any telephone number in the world, and store those names on the server for subsequent access. Specification, page 7, lines 19-22.

I.   Independent Claim 9

The text of Claim 9 is repeated below in bold font and each portion is followed by a concise explanation in italic font identifying the source of the subject matter, including reference to the specification by page and line number.

A method of parsing through web pages to identify a telephone number or a proxy comprising the steps of:

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"Another important feature of the present invention is that it is capable of parsing through standard web pages to look for telephone numbers." Specification, page 11, lines 28-29.

using a specified predictive or adaptive algorithm to detect telephone number data;

"As shown in FIG. 2, when documents on the Web are viewed using a browser, the document can be searched for any textual data that could possibly contain telephone numbers 200, whether represented in normal written or printed notation." Specification, page 12, lines 10-12.

transforming each identified telephone number that is detected into a URI;

"In such cases, the URL adapter scans each page character by character, line by line as it is being loaded and rendered by the browser, transforming each telephone number that is detected and recognized into actual hyperlinks (URI) 202 that the embedded dialing module understands because an extension to the basic URI methods that the browser now understands has been implemented. The result of the parsing is the transformation of a sequence of telephone numbers into a URI 202 that is understood by the adapters parsing module." Specification, page 12, lines 12-19.

"The parser converts the detected telephone number to a dialto://NNNNNNNNNN URI then displays 204 it as a hyperlink on the page that triggers dialing action 206 by an embedded dial module for the specific protocol chosen." Specification, page 13, lines 1-3.

providing a user with the transformed telephone number as a URI.

"The parser converts the detected telephone number to a dialto://NNNNNNNNNN URI then displays 204 it as a hyperlink on the page that triggers dialing action 206 by an embedded dial module for the specific protocol chosen." "Such a URI permits the user to click on the detected telephone number, which has now been

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transformed into a URI, and place a call using the appropriate dialing module of the invention for the specific protocol chosen." *Specification, page 13, lines 1-6.*

J. Dependent Claim 10

The text of Claim 10 is repeated below in bold font and each portion is followed by a concise explanation in italic font identifying the source of the subject matter, including reference to the specification by page and line number.

The method recited in claim 9, wherein the URI is provided to said computer system as a hyperlink on the web browser.
"The parser converts the detected telephone number to a dialto://NNNNNNNNNN URI then displays 204 it as a hyperlink on the page that triggers dialing action 206 by an embedded dial module for the specific protocol chosen." Specification, page 13, lines 1-3.

K. Dependent Claim 11

The text of Claim 11 is repeated below in bold font and each portion is followed by a concise explanation in italic font identifying the source of the subject matter, including reference to the specification by page and line number.

The method cited in claim 9, wherein the web browser dials the telephone number associated with said URI.

"Such a URI permits the user to click on the detected telephone number, which has now been transformed into a URI, and place a call using the appropriate dialing module of the invention for the specific protocol chosen." Specification, page 13, lines 4-6.
"...the specific protocol dialing function is performed because a dialer action has been assigned to the new URI that calls for a specific protocol dialer (SIP, IAX1, IAX2, MGCP, H323) module. This is accomplished from the desktop of the workstation through the

web browser to the distributed proxy server(s) and/or gateways (servers) via the chosen protocol. Specification, page 13, lines 8-12.

L. Dependent Claim 12

The text of Claim 12 is repeated below in bold font and each portion is followed by a concise explanation in italic font identifying the source of the subject matter, including reference to the specification by page and line number.

The method recited in claim 11, wherein said web browser dials the telephone number through a distributed proxy server.

"...the specific protocol dialing function is performed because a dialer action has been assigned to the new URI that calls for a specific protocol dialer (SIP, IAX1, IAX2, MGCP, H323) module. This is accomplished from the desktop of the workstation through the web browser to the distributed proxy server(s) and/or gateways (servers) via the chosen protocol. Specification, page 13, lines 8-12.

M. Dependent Claim 13

The text of Claim 13 is repeated below in bold font and each portion is followed by a concise explanation in italic font identifying the source of the subject matter, including reference to the specification by page and line number.

The method recited in claim 11, wherein said web browser dials the telephone number through an IP gateway.

"...the specific protocol dialing function is performed because a dialer action has been assigned to the new URI that calls for a specific protocol dialer (SIP, IAX1, IAX2, MGCP, H323) module. This is accomplished from the desktop of the workstation through the web browser to the distributed proxy server(s) and/or gateways (servers) via the chosen protocol. Specification, page 13, lines 8-12.

N. Independent Claim 14

The text of Claim 14 is repeated below in bold font and each portion is followed by a concise explanation in italic font identifying the source of the subject matter, including reference to the specification by page and line number.

A system that allows users to place and receive calls using a web browser, said system comprising:

"The system thereby enables users to place and receive calls directly from a standard Web browser on their computers in the same simplified manner that users currently navigate the Internet through Web pages." Specification, page 7, lines 10-12.

a computer connected to a computer network;

"The system thereby enables users to place and receive calls directly from a standard Web browser on their computers in the same simplified manner that users currently navigate the Internet through Web pages." Specification, page 7, lines 10-12.

said computer equipped with a web browser;

"The system thereby enables users to place and receive calls directly from a standard Web browser on their computers in the same simplified manner that users currently navigate the Internet through Web pages." Specification, page 7, lines 10-12.

said web browser with the ability to parse web pages and identify a telephone number;

"Another important feature of the present invention is that it is capable of parsing through standard web pages to look for telephone numbers." Specification, page 11, lines 28-29.

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"As shown in FIG. 2, when documents on the Web are viewed using a browser, the document can be searched for any textual data that could possibly contain telephone numbers 200, whether represented in normal written or printed notation." Specification, page 12, lines 10-12.

said web browser enabled to convert a detected telephone number into a URI and provide the URI as a hyperlink;

"In such cases, the URL adapter scans each page character by character, line by line as it is being loaded and rendered by the browser, transforming each telephone number that is detected and recognized into actual hyperlinks (URI) 202 that the embedded dialing module understands because an extension to the basic URI methods that the browser now understands has been implemented. The result of the parsing is the transformation of a sequence of telephone numbers into a URI 202 that is understood by the adapters parsing module." Specification, page 12, lines 12-19.

said computer enabled to obtain and display the URI provided by the web browser; and

"The parser converts the detected telephone number to a dialto://NNNNNNNNNN URI then displays 204 it as a hyperlink on the page that triggers dialing action 206 by an embedded dial module for the specific protocol chosen." Specification, page 13, lines 1-3.

said web browser enabled to connect a user of the system with the telephone number associated with the URI by dialing the telephone number associated with the URI.

"In accordance with the present invention, the user's telephone number and password (or PIN) are first presented to the decentralized telephone switching systems for authentication purposes via a direct link from the user's desktop (web browser) and computer at which point the adapter has enabled a fully-functional telephone capable of initiating or receiving calls from other users of the Internet telephony

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as well as standard telephone subscribers throughout the world. Specification, page 12, lines 4-9.

"Such a URI permits the user to click on the detected telephone number, which has now been transformed into a URI, and place a call using the appropriate dialing module of the invention for the specific protocol chosen. The embedded parser module enables the dialer module to be called every time a user clicks on the new URI. When this occurs, the specific protocol dialing function is performed because a dialer action has been assigned to the new URI that calls for a specific protocol dialer (SIP, IAX1, IAX2, MGCP, H323) module. This is accomplished from the desktop of the workstation through the web browser to the distributed proxy server(s) and/or gateways (servers) via the chosen protocol." Specification, page 13, lines 4-12.

O.   Dependent Claim 15

The text of Claim 15 is repeated below in bold font and each portion is followed by a concise explanation in italic font identifying the source of the subject matter, including reference to the specification by page and line number.

The system recited in claim 14, wherein telephone numbers can be dialed using the computer network or a circuit switched telecommunications network.

"The URL adapter is driven from a distributed back-end consisting of telephone switches, web servers, and databases that provide authentication, routing calls to and from the PSTN, and from IP telephony user to IP telephony user in direct peer mode (this assumes both users are also using the software and are connected to the same switching facilities). The invention, in conjunction with the aforementioned back-end systems, provides a method for an Internet user to communicate with any telephone whether it is connected via the Internet or connected via the standard PSTN." Specification, pages 13-14, lines 17-2.

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL.

The sole ground of rejection asserted by the Examiner, and the sole ground of rejection to be reviewed on appeal, is whether claims 1-15 are unpatentable as anticipated under 35 U.S.C. 102(e) by Kim.

VII.   ARGUMENT.

A.   Rejection under 35 U.S.C. § 102(e) is improper because not all claim limitations are described in Kim

Claims 1-15 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,177,415 to *Kim et al.* ("Kim").

As stated in 35 U.S.C. §102(e), a person shall be entitled to a patent unless the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Applicants hereby appeal the Examiner's final rejection of Claims 1-15 under 102(e) on the basis that the Examiner failed to establish that every element of the rejected claims is present in the Kim reference. A claim is anticipated only

if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference. M.P.E.P § 2131 citing to Verdegaal Bros. v. Union Oil Co. of California, 814, F. 2d 628, 631 (Fed. Cir. 1987). It is well settled that when rejecting claims under 35 U.S.C. §102, an Examiner must find that a single prior art reference discloses each and every element of the challenged claim. In re Donahue, 766 F.2d 531 (Fed. Cir. 1985); Getcher v. Davidson, 116 F.3d 1454, 1457 (Fed. Cir. 1997).

1.   Claim 1

With respect to Claim 1, the Examiner contended that Kim discloses a method for identifying a telephone number to a computer system for processing a telephone call over the Internet to a user assigned to said telephone number comprising: receiving data entered into said computer system by a caller through a web browser; searching said data for said telephone number or a proxy representing said telephone number; processing said telephone call to said telephone number if said telephone number is found in said data; and accessing a name server to translate said proxy into said telephone number for return to said computer system for processing said telephone call to said telephone number if said telephone number is not found in said data. However, Kim does not disclose processing a telephone call over the Internet or through a packet switched data network; rather Kim describes processing a telephone call over a telephone line.

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The Examiner failed to show that the prior art reference of Kim discloses each and every element of the challenged Claim 1 and, therefore, the rejection of Claim 1 on the basis of 35 U.S.C. §102(e) was in error. Kim does not disclose processing a telephone call over a packet switched data network (e.g., the Internet) to a telephone number if the telephone number is found in the data as recited in Claim 1; rather Kim describes processing a telephone call over a telephone line. Kim describes obtaining a phone number from the Internet and automatically or manually dialing the telephone line for the number.

> The telephone plug-in 230 connects to the telephone 240 with the selected telephone number using the same telephone line 260 (first telephone line) as that used to connect the information terminal with web browser 200 to the web server 210. That is, **the information terminal with the web browser 200 is not connected to the web server 210 while the telephone plug-in 230 is in use.** Thus, the **internet connection between the information terminal with the web browser 200 and the web server 210 is disconnected while the telephone plug-in 230 operates and dials** a corresponding telephone number automatically and connects the telephone with the selected telephone number (step 380).

Kim, Col. 4, lines 21-33 (emphasis added). Kim clearly notes that the Internet connection is disconnected while the telephone plug-in operates and dials a phone number. Accordingly, Kim is not processing the call over the Internet if the connection is disconnected while the telephone number is dialed.

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Kim does describe the possibility of automatic dialing using the number

received from the Internet search, but Kim does not describe using the Internet to

process or actually carry the call.

> In step 350, the web browser 200 determines whether the
> link selected by the user is expressed by <dialto>. Here,
> <dialto> is a tag defined by the writer of the HTML
> document. That is, in the present invention, the link
> syntax for executing an automatic dialing is described by
> "<dialto> telephone number <dialto>." When a link
> described in such a syntax is selected by the user, the
> telephone plug-in 230 operates and dials a corresponding
> phone number automatically (step 360). Here, the
> **telephone plug –in 230 is an apparatus or software for
> automatically connecting a telephone** according to the
> searched for telephone number. In other words, an
> automatic dialing operation carries out a program, i.e., a
> dialing routine, which receives the telephone number
> from the web browser 200 and automatically dials the
> number.

Kim, Col. 4, lines 6-20 (emphasis added). When available, Kim uses an automatic

dialing program that dials the telephone number found in the Internet search on the

telephone line. The <dialto> function only works where such a link is expressed

by <dialto>. When the link selected by the user is not defined by <dialto,> the user

has to make a phone call manually. See Kim, Col. 4, lines 53-55. The dialing

program of Kim does not use the Internet to process or carry the call using VoIP or

any other method of Internet telephony.

Processing and carrying calls over the Internet, or other similar packet switched data network, is a required element of independent Claim 1 as it is directed to telephone calls being made over the Internet. Kim does not teach this. Accordingly, Kim does not anticipate Claim 1.

2. Claim 2

Claim 2 depends from Claim 1. For the same reasons noted above that Kim does not disclose every element of the challenged independent Claim 1, likewise Kim does not disclose every element of dependent Claim 2. Kim fails to disclose each and every element of challenged Claim 2, as a dependent claim shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim. M.P.E.P. §608.01(n). Kim fails to disclose processing calls over a packet switched data network as required in Claim 2.

3. Claim 3

Claim 3 depends from Claim 2, which depends from Claim 1. For the same reasons noted above that Kim does not disclose every element of the challenged independent Claim 1, likewise Kim does not disclose every element of dependent Claim 3. Kim fails to disclose each and every element of challenged Claim 3, as a dependent claim shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim. M.P.E.P. §608.01(n). Kim fails to disclose processing calls over a packet switched data network as required in

Claim 3. Moreover, mere reference by Kim to a dialto protocol does not teach or disclose Claim 3. Kim does not use the dialto protocol to process calls over a packet switched data network as required in Claim 3. Accordingly, Kim does not anticipate Claim 3.

4. Claim 4

Claim 4 depends from Claim 1. For the same reasons noted above that Kim does not disclose every element of the challenged independent Claim 1, likewise Kim does not disclose every element of dependent Claim 4. Kim fails to disclose each and every element of challenged Claim 4, as a dependent claim shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim. M.P.E.P. §608.01(n). Kim fails to disclose processing calls over a packet switched data network as required in Claim 4.

Kim also fails to disclose a web browser that creates search hook objects from the data entered into the computer system to translate the data when the web browser is unable to identify the established protocol. The Examiner cites to Kim, Col. 4, lines 53-58; however this section merely describes a user searching for a desired telephone number displayed on the screen and making a phone call by directly dialing the number. Nowhere does Kim teach or disclose a web browser that creates search hook objects from the data entered into the computer system to

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translate the data when the web browser is unable to identify the established protocol as required in Claim 4. Accordingly, Kim does not anticipate Claim 4.

5. <u>Claim 5</u>

Claim 5 depends from Claim 4, which depends from Claim 1. For the same reasons noted above that Kim does not disclose every element of the challenged independent Claim 1, likewise Kim does not disclose every element of dependent Claim 5. Kim fails to disclose each and every element of challenged Claim 5, as a dependent claim shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim. M.P.E.P. §608.01(n). Kim fails to disclose processing calls over a packet switched data network as required in Claim 5.

Further, Kim does not teach how to handle data that cannot be translated using search hook objects, nor the transfer of such data back to the web browser. The Examiner relies on Kim, Col. 4, lines 53-58; however this section merely describes a user searching for a desired telephone number displayed on the screen and making a phone call by directly dialing the number. The Examiner also relies on Kim, Col. 4, lines 33-38; however, this section merely describes a user browsing a web server through the internet using the web browser when a user wishes to make a phone call and needs the telephone number of a counterpart. Clearly, neither of the sections of Kim identified by the Examiner discloses the

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handling of data that cannot be translated using search hook objects, nor the transfer of such data back to the web browser as required in Claim 5. Kim does not anticipate Claim 5.

6. Claim 6

Claim 6 depends from Claim 1. For the same reasons noted above that Kim does not disclose every element of the challenged independent Claim 1, likewise Kim does not disclose every element of dependent Claim 6. Kim fails to disclose each and every element of challenged Claim 6, as a dependent claim shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim. M.P.E.P. §608.01(n). Kim fails to disclose processing calls over a packet switched data network as required in Claim 6.

Moreover, Kim does not disclose a name server that can store a proxy for a telephone number. The Examiner relies on Col. 3, lines 54-61 of Kim; however this section simply describes inputting information into the home page of a server and clicking search so that the web server will search for the telephone numbers stored for all the John Does living in Washington, D.C. and transfer the search results as a HTML document transferred by the web server. There is no mention in this section of Kim of storing a proxy for a telephone number, which is required by Claim 6. Kim does not anticipate Claim 6.

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7. Claim 7

Claim 7 depends from Claim 6, which depends from Claim 1. For the same reasons noted above that Kim does not disclose every element of the challenged independent Claim 1, likewise Kim does not disclose every element of dependent Claim 7. Kim fails to disclose each and every element of challenged Claim 7, as a dependent claim shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim. M.P.E.P. §608.01(n). Kim fails to disclose processing calls over a packet switched data network as required in Claim 7.

Further, Kim does not disclose a web browser that provides a sub-window within the mail web browser window on the computer system wherein a proxy for a telephone number can be created and stored for later access. The Examiner relies on Col. 3, lines 54-61 of Kim; however this section simply describes inputting information into the home page of a server and clicking search so that the web server will search for the telephone numbers stored for all the John Does living in Washington, D.C. and transfer the search results as a HTML document transferred by the web server. This section of Kim does not disclose a web browser that provides a sub-window within the mail web browser window on the computer system wherein a proxy for a telephone number can be created and stored for later access and therefore cannot be said to anticipate Claim 7. The Examiner also relies

on Col. 3, lines 35-47 of Kim; however this section merely describes a user browsing the web server through the Internet using a web browser to connect to a telephone web server that allows the user to input the proper search requests. Nowhere in this section does Kim mention a web browser that provides a sub-window within the mail web browser window on the computer system wherein a proxy for a telephone number can be created and stored for later access. Accordingly, Claim 7 is not anticipated by Kim.

8. Claim 8

Claim 8 depends from Claim 7, which depends from Claim 1. For the same reasons noted above that Kim does not disclose every element of the challenged independent Claim 1, likewise Kim does not disclose every element of dependent Claim 8. Kim fails to disclose each and every element of challenged Claim 8, as a dependent claim shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim. M.P.E.P. §608.01(n). Kim fails to disclose processing calls over a packet switched data network as required in Claim 8.

Additionally, Kim does not disclose a proxy that can consist of a name, letters, numbers or symbols. The Examiner relies on Col. 3, lines 43-47 of Kim; however this section merely describes the types of input search requests a user can use when browsing the web server through the Internet. The search screen allows

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a user to input an address, name of a person or company, and a keyword such as an email address. Nowhere in this section does Kim mention a proxy or a proxy that consists of name, letters, numbers or symbols. Therefore, Claim 8 is not anticipated by Kim.

9. Claim 9

With respect to Claim 9, the Examiner contended that Kim discloses a method and system of parsing through web pages to identify a telephone number or a proxy comprising the steps of: using a specified predictive or adaptive algorithm to detect telephone number data; transforming each identified telephone number that is detected into a URI; providing a user with the transformed telephone number as a URI.

Kim does not disclose a method of parsing through web pages to identify a telephone number. Claim 9 is directed to a method and system of parsing through web pages to identify a telephone number or a proxy comprising the steps of: using a specified predictive or adaptive algorithm to detect telephone number data; transforming each identified telephone number that is detected into a URI; and providing a user with the transformed telephone number as a URI. The sections of Kim identified by the Examiner, Col. 3, lines 9-24 and Col. 3, lines 48-69, describe searching for a phone number in a telephone directory database, displaying the

search results as an HTML document and automatically or manually dialing the

telephone number on a telephone line.

> The flowchart shown in FIG.3 includes the steps of connecting to the telephone web server using the web browser (step 300), inputting the name of a person or company to be searched in the home page of the web server (step 310), **searching for the name of the person or company input to the web server from the telephone directory database** and transferring the results of the search as an HTML document (step 320), displaying the HTML document (step 330), selecting a link the user desires from the displayed HTML document (step 340), determining whether the link selected by the user is described by "dialto" (step 350), operating a telephone plug-in if the link selected by the user is "dialto" (step 360), making a telephone call manually if the link selected by the user is not "dialto" (step 370), and automatically making a phone call (step 380) if the telephone plug-in is operated in step 360.
>
> The user inputs the name of the person to or company to be **searched for in the telephone directory database** 220 and the address or the keyword thereof, and clicks a search button (step 310)...
>
> When the information to be searched for is input to the home page of the web server 210 and the search button is clicked, the **web server 210 searches for the telephone numbers stored in the telephone number database** 220 of all the John Does living in Washington D.C., and transfers the searched results as an HTML document (step 320).

Kim, Col. 3, lines 9-24, 48-51, and 54-59 (emphasis added). The Kim patent does

not disclose a specified predictive or adaptive algorithm to detect a phone number,

transforming the numbers into a URI and providing the user with a transformed

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URI, as required by Claim 9. Kim describes searching for a phone number in a telephone directory database and displaying the number as an HTML document. Kim's mention of a "dialto" link does not constitute disclosure of a method for parsing plain-text web pages to automatically recognize a telephone number and generation of a URI for placing a call using a packet switched data network. Kim does not describe a method for parsing the plain (i.e. unmarked) text of a web page to automatically recognize a telephone number string and generate a URI hyperlink which, when selected, can route a call through a packet switched data network. Kim does not use the Internet to place the call, rather uses a land-based line to place the call. Accordingly, Kim does not teach or disclose use of a specified predictive or adaptive algorithm to detect a phone number, transforming the numbers into a URI or providing the user with a transformed telephone number as a URI. Transforming the number into a URI would only be required for processing the calls over the Internet, something that Kim does not do. Kim clearly does not teach every element of Claim 9 and cannot be said to anticipate Claim 9.

10. Claim 10

Claim 10 depends from Claim 9. For the same reasons noted above that Kim does not disclose every element of the challenged independent Claim 9, likewise Kim does not disclose every element of dependent Claim 10. Kim fails to

disclose each and every element of challenged Claim 10, as a dependent claim shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim. M.P.E.P. §608.01(n). Kim fails to disclose use of a specified predictive or adaptive algorithm to detect a phone number, transforming the numbers into a URI or providing the user with a transformed URI as required in Claim 10.

Kim also does not disclose providing a URI to a computer system as a hyperlink on the web browser. The Examiner cites to Col. 3-4, lines 62-11; however this section merely describes finding a phone number in a telephone directory database and displaying the number as an HTML document. Kim's mention of a "dialto" link does not constitute disclosure of a method for parsing plain-text web pages to automatically recognize a telephone number and generation of a URI for placing a call using a packet switched data network. Kim does not place a call over the internet, therefore has no need to translate a number to a URI. Accordingly, Kim does not anticipate Claim 10.

11. Claim 11

Claim 11 depends from Claim 9. For the same reasons noted above that Kim does not disclose every element of the challenged independent Claim 9, likewise Kim does not disclose every element of dependent Claim 11. Kim fails to disclose each and every element of challenged Claim 11, as a dependent claim

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shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim. M.P.E.P. §608.01(n). Kim fails to disclose use of a specified predictive or adaptive algorithm to detect a phone number, transforming the numbers into a URI or providing the user with a transformed URI as required in Claim 11.

Further, Kim does not disclose a web browser dialing a telephone number associated with a URI. The Examiner relies on Col. 3, lines 9-24 and col. 4, lines 6-20; however these sections describe searching for a phone number in a telephone directory database, displaying the search results as an HTML document and automatically or manually dialing the telephone number on a telephone line and the possibility of automatic dialing a phone line using the number received from the Internet search. When available, Kim uses an automatic dialing program that dials the telephone number found in the Internet search on the telephone line. Kim does not describe using the Internet to process or actually carry the call. Accordingly, Kim does not anticipate Claim 11.

12. Claim 12

Claim 12 depends from Claim 11, which depends from Claim 9. For the same reasons noted above that Kim does not disclose every element of the challenged independent Claim 9, likewise Kim does not disclose every element of dependent Claim 12. Kim fails to disclose each and every element of challenged

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Claim 12, as a dependent claim shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim. M.P.E.P. §608.01(n). Kim fails to disclose use of a specified predictive or adaptive algorithm to detect a phone number, transforming the numbers into a URI or providing the user with a transformed URI as required in Claim 12.

Additionally, Kim does not disclose a web browser dialing a telephone number through a distributed proxy server. The Examiner relies on Col. 3, lines 9-24; however this section merely describes searching for a phone number in a telephone directory database, displaying the search results as an HTML document and automatically or manually dialing the telephone number on a telephone line. Kim does not disclose a proxy server, much less use of the Internet to process or carry the call using VoIP or any other method of Internet telephony as required by Claim 12. Accordingly, Kim does not anticipate Claim 12.

13. Claim 13

Claim 13 depends from Claim 11, which depends from Claim 9. For the same reasons noted above that Kim does not disclose every element of the challenged independent Claim 9, likewise Kim does not disclose every element of dependent Claim 13. Kim fails to disclose each and every element of challenged Claim 13, as a dependent claim shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim. M.P.E.P.

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§608.01(n). Kim fails to disclose use of a specified predictive or adaptive algorithm to detect a phone number, transforming the numbers into a URI or providing the user with a transformed URI as required in Claim 13.

Kim also does not disclose a web browser that dials a telephone number through an IP gateway. The Examiner cites to Col. 1-2, lines 61-2; however this section describes searching for a number on the internet and automatically dialing the number. The call is not placed over the Internet or through an IP gateway, rather is placed over the telephone line. Kim specifically states "[o]ne number is selected by a user among the displayed telephone numbers and dialed automatically by a telephone plug-in to set up a communication channel through the telephone." Kim, Col. 2, lines 16-19. Accordingly, Kim does not anticipate Claim 13 which requires that a web browser dial a telephone number through an IP gateway.

14. Claim 14

With respect to Claim 14, the Examiner contended that Kim discloses a method and system of parsing through web pages to identify a telephone number or a proxy comprising the steps of: using a specified predictive or adaptive algorithm to detect telephone number data; transforming each identified telephone number that is detected into a URI; providing a user with the transformed telephone number as a URI.

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Kim does not disclose a method of parsing through web pages to identify a telephone number. Claim 14 is directed to a system that allows users to place an receive calls using a web browser, the system comprising: a computer connected to a computer network; the computer equipped with a web browser; the web browser with the ability to parse web pages and identify a telephone number; the web browser enabled to convert a detected telephone number into a URI and provide the URI as a hyperlink; a computer enabled to obtain and display the URI provided by the web browser; and a computer enabled to connect a user of the system with the telephone number associated with the URI by dialing the telephone number associated with the URI. The sections of Kim identified by the Examiner, Col. 3, lines 9-24 and Col. 3, lines 48-69, describe searching for a phone number in a telephone directory database, displaying the search results as an HTML document and automatically or manually dialing the telephone number on a telephone line.

The flowchart shown in FIG.3 includes the steps of connecting to the telephone web server using the web browser (step 300), inputting the name of a person or company to be searched in the home page of the web server (step 310), **searching for the name of the person or company input to the web server from the telephone directory database** and transferring the results of the search as an HTML document (step 320), displaying the HTML document (step 330), selecting a link the user desires from the displayed HTML document (step 340), determining whether the link selected by the user is described by "dialto" (step 350), operating a telephone plug-in if the link selected by the user is "dialto" (step 360), making a telephone call manually if

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the link selected by the user is not "dialto" (step 370), and automatically making a phone call (step 380) if the telephone plug-in is operated in step 360.

The user inputs the name of the person to or company to be **searched for in the telephone directory database** 220 and the address or the keyword thereof, and clicks a search button (step 310)...

When the information to be searched for is input to the home page of the web server 210 and the search button is clicked, the **web server 210 searches for the telephone numbers stored in the telephone number database** 220 of all the John Does living in Washington D.C., and transfers the searched results as an HTML document (step 320).

Kim, Col. 3, lines 9-24, 48-51, and 54-59 (emphasis added). The Kim patent does not disclose a system that allows users to place and receive calls using a web browser, a web browser enabled to convert a detected telephone number into a URI and provide the URI as a hyperlink, a computer enabled to obtain and display the URI provided by the web browser, and a computer enabled to connect a user of the system with the telephone number associated with the URI by dialing the telephone number associated with the URI, each of which is required by Claim 14. Kim describes searching for a phone number in a telephone directory database and displaying the number as an HTML document. Kim does not use the Internet to place the call, rather uses a land-based line to place the call. Accordingly, Kim does not teach or disclose a system that allows users to place and receive calls using a web browser, a web browser enabled to convert a detected telephone

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number into a URI and provide the URI as a hyperlink, a computer enabled to obtain and display the URI provided by the web browser, and a computer enabled to connect a user of the system with the telephone number associated with the URI by dialing the telephone number associated with the URI Transforming the number into a URI would only be required for processing the calls over the Internet, something that Kim does not do. Kim clearly does not teach every element of Claim 14 and cannot be said to anticipate Claim 14.

15.   <u>Claim 15</u>

Claim 15 depends from Claim 14. For the same reasons noted above that Kim does not disclose every element of the challenged independent Claim 14, likewise Kim does not disclose every element of dependent Claim 15. Kim fails to disclose each and every element of challenged Claim 15, as a dependent claim shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim. M.P.E.P. §608.01(n). Kim fails to disclose a system that allows users to place and receive calls using a web browser, a web browser enabled to convert a detected telephone number into a URI and provide the URI as a hyperlink, a computer enabled to obtain and display the URI provided by the web browser, and a computer enabled to connect a user of the system with the telephone number associated with the URI by dialing the telephone number associated with the URI as required in Claim 15.

Further, Kim fails to disclose a system where telephone numbers can be dialed using the computer network or a circuit switched telecommunication network. The Examiner relies on Kim, Col. 1-2, lines 61-2; however this section describes searching for a number on the internet and automatically dialing the number. The call is not placed over the Internet or through an IP gateway, rather is placed over the telephone line. Kim specifically states "[o]ne number is selected by a user among the displayed telephone numbers and dialed automatically by a telephone plug-in to set up a communication channel through the telephone." Kim, Col. 2, lines 16-19. Accordingly, Kim does not anticipate Claim 15, because Claim 15 requires that users place and receive calls using a web browser.

B.   Conclusion

It has been shown that *Kim* cannot be said to anticipate the present invention under 35 U.S.C. § 102(e) because *Kim* does not teach or disclose every element of each rejected Claims 1-15. The Examiner misconstrued the Kim reference as disclosing calls being processed through a packet switched data network (the Internet); however, Kim clearly only teaches the processing of calls through phone lines. It is therefore respectfully submitted that the rejection under 35 U.S.C. § 102(e) has been overcome and should be reversed by the Board.

For the foregoing reasons, allowance of claims 1-15, as now presented, is believed to be in order. It is respectfully requested that this Board reverse the decision of the Examiner in all respects.

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Respectfully submitted,

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VIII. CLAIMS APPENDIX.

Claim 1. (Previously Presented) A method for identifying a telephone number to a computer system for processing a telephone call over the Internet to a user assigned to said telephone number comprising:

receiving data entered into said computer system by a caller through a web browser;

searching said data for said telephone number or a proxy representing said telephone number;

processing said telephone call through a packet switched data network to said telephone number if said telephone number is found in said data; and

accessing a name server to translate said proxy into said telephone number for return to said computer system for processing said telephone call if said telephone number is not found in said data.

Claim 2. (Previously Presented) The method recited in claim 1, wherein the web browser translates the proxy in accordance with an established protocol.

Claim 3. (Previously Presented) The method recited in claim 2, wherein the protocol is the dialto protocol.

Claim 4. (Previously Presented) The method recited in claim 1, wherein the web browser creates search hook objects from said data entered into the computer system to translate said data when the web browser is unable to identify the established protocol.

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Claim 5. (Previously Presented) The method recited in claim 4, wherein data that cannot be translated using search hook objects is transferred back to the web browser.

Claim 6. (Previously Presented) The method recited in claim 1, wherein said name server can store a proxy for a telephone number.

Claim 7. (Previously Presented) The method recited in claim 6, wherein the web browser provides a sub-window within the main web browser window on the computer system wherein a proxy for a telephone number can be created and stored for later access.

Claim 8. (Previously Presented) The method recited in claim 7, wherein the proxy consists of a name, letters, numbers, or symbols.

Claim 9. (Previously Presented) A method of parsing through web pages to identify a telephone number or a proxy comprising the steps of:

    using a specified predictive or adaptive algorithm to detect telephone number data;

    transforming each identified telephone number that is detected into a URI;

    providing a user with the transformed telephone number as a URI.

Claim 10. (Previously Presented) The method recited in claim 9, wherein the URI is provided to said computer system as a hyperlink on the web browser.

Claim 11. (Previously Presented) The method recited in claim 9, wherein the web browser dials the telephone number associated with said URI.

Claim 12. (Previously Presented) The method recited in claim 11, wherein said web browser dials the telephone number through a distributed proxy server.

Claim 13. (Previously Presented) The method recited in claim 11, wherein said web browser dials the telephone number through an IP gateway.

Claim 14. (Previously Presented) A system that allows users to place and receive calls using a web browser, said system comprising:

a computer connected to a computer network;

said computer equipped with a web browser;

said web browser with the ability to parse web pages and identify a telephone number;

said web browser enabled to convert a detected telephone number into a URI and provide the URI as a hyperlink;

said computer enabled to obtain and display the URI provided by the web browser; and

said web browser enabled to connect a user of the system with the telephone number associated with the URI by dialing the telephone number associated with the URI.

Claim 15. (Previously Presented) The system recited in claim 14, wherein telephone numbers can be dialed using the computer network or a circuit switched telecommunication network.

IX.   EVIDENCE APPENDIX.

No evidence has been submitted with this brief.

X.   RELATED PROCEEDINGS APPENDIX.

There are no proceedings related to this appeal.